

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 5, 2001**

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of December 5, 2001 was called to order by Mayor Nakanishi at 7:04 p.m.

Present: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Perry Kallis, Temple Baptist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Presentation of Mayor's Community Service Awards

Mayor Nakanishi explained that each year it is the privilege of the Mayor to select individuals for service awards who have contributed to the betterment of the community. He stated that during the past year, he has met countless individuals and discovered the secret of Lodi's greatness – its people, and those willing to serve others. The three individuals selected for the Community Service Award this year have quietly gone about making a difference in the lives of others as they have mentored, taught, and shared values with children, youth, and their families.

- Maria Cervantes

City Clerk Blackston announced that Maria Cervantes is the principal of Heritage Elementary School and has served as vice principal of Heritage, Reese, and Live Oak elementary schools. Her community involvement includes participation on the Lodi Area Community Council Board, Community Partnership for Families, Soroptimist International of Lodi Sunrise, St. Anne's Church, and the annual Celebration on Central event.

Maria Cervantes thanked her students, their families, fellow teachers, and her mother for their contributions and inspiration.

- Richard Jones

City Clerk Blackston stated that Richard Jones has served as the president of the Lodi Boys and Girls Club for the past nine years and is responsible for bringing the following programs and services to the youth of the Lodi community: 1) The national SMART Moves program; 2) A computer lab for homework, research and entry level job skills training; 3) The TEEN Supreme Keystone program, which provides leadership opportunities for youth ages 14 to 18; 4) and the national Junior Staff program, which emphasizes academic achievements and the importance of helping others. Mr. Jones has adopted ten children during his forty years of working with youth.

Richard Jones accepted the award on behalf of all people in the community who care about youth. He thanked the City Council for supporting the Boys and Girls Club, as well as former City Manager Tom Peterson, City Manager Dixon Flynn, Police Chief Jerry Adams, Deputy City Manager Janet Keeter, Fire Chief Mike Pretz, Lieutenant Chet Somera, former Parks and Recreation Director Ron Williamson, and Parks and Recreation Director Roger Baltz. In addition, he acknowledged the Muslim community of Lodi, and thanked his son Damien who was present in the audience.

- Ken Mullen

City Clerk Blackston noted that Dr. Ken Mullen is a native Lodian. His father, Bob Mullen, was the City Attorney for Lodi for 29 years and served as a school board member for eight years. She stated that Dr. Mullen is currently a physician with Lodi Primary Care Associates and his accomplishments include: 1) Serving four terms as president of the Lodi Memorial Medical Staff; 2) A member of the Delta IPA Board for 11 years; 3) A board member for The Lodi House; 4) Team doctor for Lodi High School for 21 years; 5) Advisor to the Lodi Youth Commission for five years; and 6) Has served on the Board of Education for Lodi Unified School District since 1994.

Dr. Mullen thanked the Mayor and Council. As president of the school board, he congratulated Heritage School Principal Maria Cervantes.

D-2 Proclamations – None

D-3 (a) Robin Knowlton, member of the Lodi Arts Commission, updated the City Council on the activities and accomplishments of the Arts Commission. She provided information (filed) on the "One Book One Lodi" event that will be held January through March 2002. Community discussions will take place with participants who have read the book "Farewell to Manzanar."

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Hitchcock, Land second, unanimously approved the following items hereinafter set forth:

- E-1 Claims were approved in the amount of \$5,279,603.48.
- E-2 The minutes of November 7, 2001 (Regular Meeting) and November 21, 2001 (Regular Meeting) were approved as written.
- E-3 Approved the specifications for a replacement wide-format engineering copier for the Electric Utility Department's Engineering Division and authorized advertisement for bids.
- E-4 Adopted Resolution No. 2001-276 awarding the bid for the purchase of fifteen steel streetlight standards to the low bidder, G.E. Supply Company, of North Highlands, in the amount of \$10,465.13.
- E-5 Adopted Resolution No. 2001-277 awarding the bid for the purchase of physical conditioning equipment to the low bidder, Sacramento Exercise Equipment Center, Inc., of Sacramento, in the amount of \$20,193.98.
- E-6 Adopted Resolution No. 2001-278 awarding the construction contract for Municipal Service Center Compressed Natural Gas Fueling Station, 1331 South Ham Lane, to Stockton Service Station Equipment Company, Inc., of Stockton, in the amount of \$209,660; and appropriated funds in accordance with staff recommendation.
- E-7 Adopted Resolution No. 2001-279 approving the resolution to refinance the lease for one Quint Aerial Fire Apparatus and tools and equipment to be used by the Fire Department Suppression Division for a purchase price of \$819,114.96 and approving a new seven-year lease purchase proposal from First Municipal Leasing Corporation, of Golden, Colorado, as the financing component for the Fire Apparatus, tools, and equipment.
- E-8 Adopted Resolution No. 2001-280 authorizing the City Manager to sign a lease agreement with the Lodi-Woodbridge Winegrape Commission for use of a 100' by 40' section of Katzakian Park for the purpose of planting a demonstration vineyard.

- E-9 Set public hearing for December 19, 2001 to consider the establishment of development fees pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
- E-10 Adopted Resolution No. 2001-281 authorizing the City Manager to sign a contract and an addendum with Advanced GeoEnvironmental, Inc. for a Phase II Site Assessment on properties located at 17 East Elm Street and 22 East Locust Street in the amount of \$12,029.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Georgianna Reichelt stated that she would like to receive copies of the Council Shirtsleeve Session agendas. She requested that the topic of Proposition 218 be placed on a future City Council agenda for discussion and reiterated her previously expressed concern that the City is not in compliance. She also suggested that the City look into the legality of its Transient Occupancy Tax and Utility Tax.

Mayor Nakanishi replied that the newly elected Mayor would discuss this issue with the City Manager and City Attorney.

G. PUBLIC HEARINGS

None.

H. COMMUNICATIONS

- H-1 On recommendation of the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), and Human Resources staff, the City Council, on motion of Council Member Land, Pennino second, unanimously rejected the following claims:
- a) Jack Alquist, date of loss 8/15/01
 - b) Silicon Energy, date of loss 8/14/01
- H-2 The following report was presented to the City Council:
- a) Planning Commission report of November 14, 2001
- H-3 The following postings/appointments were made:
- a) The City Council, on motion of Mayor Pro Tempore Pennino, Howard second, unanimously directed the City Clerk to post for the following vacancy and expiring terms:
 - East Side Improvement Committee
Sandra Alderson Term to expire March 1, 2004
 - Lodi Senior Citizens Commission
Winona Ellwein Term to expire December 31, 2001
Dorance Ochs Term to expire December 31, 2001
 - San Joaquin County Mosquito & Vector Control District
Jack Fiori Term to expire December 31, 2001
 - Site Plan and Architectural Review Committee
Howard Vogel Term to expire January 1, 2002
 - b) The City Council, on motion of Council Member Land, Hitchcock second, unanimously made the following appointment:
 - Lodi Animal Shelter Task Force
Gretchen Nelson Unspecified term limit

H-4 Miscellaneous

- a) The City Council, on motion of Council Member Land, Pennino second, unanimously set a public hearing for December 19, 2001 to consider the appeal of Del Smith to the Planning Commission's decision to deny Use Permit U-01-20 to place a temporary office trailer at the existing Wine and Roses facility at 1037 Woodhaven Lane (APN 015-230-46).

I. REGULAR CALENDAR

None.

J. ORDINANCES

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Howard stated that she had the privilege of being a judge at the Parade of Lights last Thursday and thanked the individual from the Tea Cottage who provided hot apple cider, quiche, and cookies. She also acknowledged Lew Van Buskirk and Cynthia Haynes for their work in coordinating the parade. Referencing a newspaper article in today's paper, Ms. Howard noted that students from Tokay High School purchased items at Wal-Mart for 100 children in the City who otherwise may not have received a gift through the Lodi Adopt-A-Child program due to insufficient donations this year.
- Council Member Land thanked the Community Service Award recipients for their help in the community. He thanked Mayor Nakanishi for his support, hard work, and leadership, and noted that the Mayor had attended 436 meetings this past year. He disagreed with an article that was published in today's newspaper, which indicated that the Council was delaying certain projects. He confirmed that DeBenedetti Park, Aquatics Center, Animal Shelter, and the Indoor Sports Complex remain priority projects for the Council and explained that yesterday's Shirtsleeve Session was merely to discuss financing options.
- Council Member Hitchcock also congratulated the Community Service Award recipients. She stated that Mayor Nakanishi did an outstanding job in the selection and noted that they were all being honored for their support of children in the community. She also thanked Superintendent Bill Huyett, K-6 Assistant Superintendent Catherine Pennington, and other members from the School District office, and principals for being present to support Ms. Cervantes. Ms. Hitchcock thanked the Mayor for the wonderful job he has done and for consistently exercising integrity during his term.
- Mayor Pro Tempore Pennino thanked the Mayor and congratulated the three award recipients. Addressing Ms. Cervantes, he commented that he enjoyed serving as principal for the day at Heritage School. He informed Mr. Jones that he looks forward to the Boys and Girls Club auction dinners. He noted that Dr. Mullen has done a superb job on the school board and stated that the Council is unanimous in supporting the school bond effort.
- Council Member Hitchcock stated that she is excited that the Council supports the School District and noted that in March, the community will have an opportunity to show its support by voting in favor of the bond that would allow students to get off the year-round school concept and improve their education.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn announced that a reception would be held following the meeting. He thanked Susan Blackston, Jackie Taylor, Myrna Wetzel, Susan Lake, and Janet Hamilton for their work in preparing for the event. He thanked Jeff Kirst for his support and the Lodi Visitors Center who contributed wine for the reception. On behalf of the City, the Council, and staff, he presented a plaque to Mayor Nakanishi in appreciation for his leadership the past year.

M. REORGANIZATION OF THE LODI CITY COUNCIL

Mayor Nakanishi stated that he has been honored and privileged to serve the citizens of Lodi as Mayor this past year. He commented that he had been told recently that Lodi is a model for other cities; he agreed, and believed that it was due to Lodi's location, people, and its government. Other components to its success include the creation of Electric Utility in 1910, rich agricultural land, and access to water. Most importantly Lodi's success is due to its people who have strong character, values, and a commitment to serve its community. Volunteers for the City have contributed 600,000 hours of service. The Lodi Police Partners contributed 166,000 hours of service since its inception, which amounts to a dollar benefit to the City of over \$2 million. He thanked Council appointees City Manager Flynn, City Attorney Hays, and City Clerk Blackston for their commitment and outstanding work. He also thanked Janet Hamilton and Cynthia Haynes for their assistance and willingness to go beyond what was expected, as well as Deputy City Clerks Perrin and Taylor. Mayor Nakanishi thanked the Council for its support and the countless hours spent attending events, committees, and visiting constituents. In conclusion, he thanked his wife Sue, and commented that his fondest memories as Mayor include the time he spent with children, visiting schools, serving as principal for the day, and reading to children.

City Clerk Blackston, acting as Chair, opened and called for nominations for the election for the office of Mayor.

ELECTION OF MAYOR – MOTION / VOTE:

Council Member Nakanishi made a motion, Hitchcock second, to nominate Phillip Pennino to the office of Mayor.

No further nominations were made. The above motion (Resolution No. 2001-282) carried by a unanimous vote.

ELECTION OF MAYOR PRO TEMPORE – MOTION / VOTE:

City Clerk Blackston turned over the meeting to the newly elected Mayor Pennino, who then opened and called for nominations for the election for the office of Mayor Pro Tempore.

Council Member Howard made a motion, Nakanishi second, to nominate Susan Hitchcock to the office of Mayor Pro Tempore.

No further nominations were made. The above motion (Resolution No. 2001-283) carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Nakanishi and Mayor Pennino

Noes: Council Members – Land

Absent: Council Members – None

Mayor Pennino thanked the Council and citizens of Lodi for allowing him the opportunity to serve as Mayor. He acknowledged Bo Katzakian, who was in the audience, and noted that a park was dedicated in his honor last Sunday. He stated that the Council is committed to seeing the following projects go forward: Police Station, Indoor Sports Complex, Animal Shelter, Aquatics Center, and DeBenedetti Park. Mayor Pennino commented that he would like to see the City increase its work with the wine industry and tourism. He stated that he would work diligently in removing the railroad tracks from Lodi Avenue and would, at a minimum, place black top across the entire length. He introduced his family and thanked Council Member Nakanishi for arranging to have his pastor give the invocation for tonight's meeting.

Mayor Pro Tempore Hitchcock introduced her husband Jerry Glenn and commented that he still continues to give her a rose every Monday morning. Ms. Hitchcock stated that she is very fortunate to be the principal at Clairmont Elementary School, and noted that she looks forward to working with the Mayor and City Manager.

Continued December 5, 2001

Mayor Pennino commented that a constituent had suggested that a proclamation be given to Emily Howard on behalf of her newly adopted daughter, officially proclaiming November 27 as her birthday in the City of Lodi.

Council Member Howard introduced her daughter Jillian Amanda Howard who was born last Tuesday, November 27.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:58 p.m.

ATTEST:

Susan J. Blackston
City Clerk